

Introduced by Senator SpeierFebruary 15, 2001

An act to add Section 1463.15 to the Penal Code, and to amend Section 12810 of, and to add Division 6.7 (commencing with Section 15600) to, the Vehicle Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 255, as introduced, Speier. Crimes: unattended children in vehicles.

(1) Existing law makes it a crime for any person, under circumstances or conditions likely to produce great bodily harm or death, to willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully cause or permit the person or health of that child to be injured, or willfully cause or permit that child to be placed in a situation where his or her person or health is endangered. This crime is required to be punished by imprisonment in a county jail not exceeding one year, or in the state prison for 2, 4, or 6 years.

This bill would additionally make it an infraction, punishable by a fine of not more than \$100, for the parent, legal guardian, or other person responsible for a child who is 6 years of age or younger to leave that child inside a vehicle for more than one minute without providing for the supervision of the child by a person who is an unspecified number of years of age or older, except when (a) the parent, legal guardian, or other person responsible for the child is outside of the vehicle and is less than 10 feet from the vehicle, or (b) the parent, legal guardian, or other person responsible for the child is able to observe the child on a continuous basis.



The bill thereby would impose a state-mandated local program by creating a new crime.

The bill would require that 60% of the revenue derived from fines imposed under these provisions be deposited in the Child Vehicle Safety Education Fund, which the bill would establish in the State Treasury. Because this would increase the level of service required by the county treasurer, the bill would impose a state-mandated local program. The money in the fund would be available to the Department of Motor Vehicles, upon appropriation, for allocation to cities, counties, and other local authorities for the development of community education programs on the dangers of leaving young children unattended in vehicles.

The bill would require the department to include information concerning the dangers of leaving children unattended in motor vehicles, including the effect of solar heat on the temperature of vehicle interiors and the penalties for noncompliance with the provisions specified above, in specified materials distributed by the department.

(2) Existing law assigns violation points to a person's driving record based on traffic violations.

This bill would assign a value of 1 point for a violation of the provisions described in (1) above.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Leaving young children unattended in motor vehicles has caused serious health and safety harm to children and is an unacceptable public health and safety hazard.

(b) The dangers of leaving young children unattended in motor vehicles include possible child access to ignition, brakes, clutch and gear shift lever, and other parts of the vehicle that could cause uncontrolled vehicular movement, exposure of the child to extreme cold or heat in those vehicles, and other dangers.

(c) Prior instances where young children have been left unattended in motor vehicles have resulted in serious injury or death, with no less than 60 fatalities in this state.

SEC. 2. Section 1463.15 is added to the Penal Code, to read:

1463.15. Notwithstanding Sections 1463 and 1464 of this code and Section 76000 of the Government Code, the first 60 percent of moneys that are collected for a violation of Chapter 2 (commencing with Section 15620) of Division 6.7 of the Vehicle Code shall be transferred to the State Treasurer for deposit in the Child Vehicle Safety Fund pursuant to Section 15630 of the Vehicle Code.

SEC. 3. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, the following shall apply:

(a) Any conviction of failure to stop in the event of an accident in violation of Section 20001 or 20002 shall be given a value of two points.

(b) Any conviction of a violation of Section 23152 or 23153 shall be given a value of two points.

(c) Any conviction of reckless driving shall be given a value of two points.

(d) (1) Any conviction of a violation of subdivision (c) of Section 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision (b) of Section 21651, subdivision (b) of Section 22348, subdivision (a) of Section 23109, subdivision (c) of Section 23109, or Section 31602 of this code, shall be given a value of two points.

(2) Any conviction of a violation of subdivision (a) or (b) of Section 23140 shall be given a value of two points.

(e) Except as provided in subdivision (g), any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point.

(f) Any traffic accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

(g) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision (b) of Section 40001 shall not result in a violation point count being given to the driver if the driver is not the owner of the vehicle.

(2) Any conviction of a violation of paragraph (1) or (2) of subdivision (a) of Section 12814.6, subdivision (a) of Section 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or 26707 shall not be given a violation point count.

(3) A violation of Section 23136 shall not result in a violation point count.

(h) A conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

(i) Any conviction of a violation of Section 14601, 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

(j) Any conviction of a violation of Section 27360 or 27360.5 shall be given a value of one point.

(k) *Any conviction of a violation of Chapter 2 (commencing with Section 15620) of Division 6.7 shall be given a value of one point.*

SEC. 4. Division 6.7 (commencing with Section 15600) is added to the Vehicle Code, to read:

DIVISION 6.7. UNATTENDED CHILD IN MOTOR VEHICLE SAFETY ACT

CHAPTER 1. GENERAL PROVISIONS

15600. This division shall be known and may be cited as “Kaitlyn’s Law.”

15602. This division applies to vehicles upon the highways and elsewhere throughout the state unless expressly provided otherwise.

CHAPTER 2. OFFENSES

15620. (a) A parent, legal guardian, or other person responsible for a child who is 6 years of age or younger may not leave that child inside a vehicle for more than one minute without providing for the supervision of the child by a person who is _____ years of age or older, except under either of the following conditions:

(1) The parent, legal guardian, or other person responsible for the child is outside of the vehicle and is less than 10 feet from the vehicle.

(2) The parent, legal guardian, or other person responsible for the child is able to observe the child on a continuous basis.

(b) A violation of this section is an infraction punishable by a fine of not more than one hundred dollars (\$100).

(c) Nothing in this section shall preclude prosecution under both this section and Section 192 of the Penal Code, or Section 273(a) of that code, or any other provision of law.

CHAPTER 3. EDUCATIONAL PROVISIONS

15630. Sixty percent of the revenue derived from fines imposed under Chapter 2 (commencing with Section 15620) shall be deposited in the Child Vehicle Safety Education Fund, which is hereby established in the State Treasury. The money in the fund shall be available to the department, upon appropriation, for allocation to cities, counties, and other local authorities for the development of community education programs on the dangers of leaving young children unattended in vehicles.

15632. (a) The department shall include information concerning the dangers of leaving children unattended in motor vehicles, including but not limited to, the effect of solar heat on the temperature of vehicle interiors and the penalties for noncompliance with Chapter 2 (commencing with Section 15620), in the following educational materials distributed by the department:

(1) The California Driver's Handbook published under subdivision (b) of Section 1656.

(2) The driver's license examination administered under Section 12804.9.

1 (3) Any driver's education materials certified by the
2 department.

3 (4) Courses and examinations for traffic violator schools.

4 (5) Materials provided to secondary and post-secondary
5 schools and educational institutions.

6 (6) Any materials provided to community education
7 campaigns undertaken by the department and other state agencies,
8 including, but not limited to, the Department of the California
9 Highway Patrol and the Department of Transportation.

10 (b) The department shall not republish materials before
11 existing supplies are exhausted, but shall arrange for compliance
12 with this section in the next edition or publication of those
13 materials in the normal course of business.

14 SEC. 5. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution for
16 certain costs that may be incurred by a local agency or school
17 district because in that regard this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 However, notwithstanding Section 17610 of the Government
24 Code, if the Commission on State Mandates determines that this
25 act contains other costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code. If the statewide cost of the
29 claim for reimbursement does not exceed one million dollars
30 (\$1,000,000), reimbursement shall be made from the State
31 Mandates Claims Fund.

